

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 75475

Ethel Coles
500 Harrisburg Road
Randolph VA 23962

8032 Montwood Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 7, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 428, failure to cease illegal storage of unlicensed inoperable motor vehicle; vehicle must be tagged or removed from residential property zoned DR 5.5 known as 8032 Montwood Road, 21244.

On June 7, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector M Stuart Kelly issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The following persons appeared for the Hearing and testified: David Virgell, Son of deceased Respondent and, M. Stuart Kelly, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 12, 2010 for removal of untagged/inoperative motor vehicles. This Citation was issued on June 7, 2010.

B. Inspector M. Stuart Kelly testified that he inspected this property as part of a neighborhood sweep that was requested by the local neighborhood association. His inspections found two untagged vehicles parked on the property. Photographs in the file show a Ford sedan and a Saab sedan without tags. Re-inspection on May 4, 2010 found tags on the Ford, and the owner told him he was trying to get the other car tagged. Re-inspection the day before this Hearing found the Saab still without tags.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

D. David Virgell testified that he is Respondent's son, and that Respondent Ethel Coles is deceased. He testified that he is working with the auto finance company to obtain clear title to the Saab and hopes to get it properly tagged soon. He requested an additional month to correct the violation. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by August 30, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.